

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROCKET MORTGAGE, LLC,	§	
	§	
<i>Garnishor,</i>	§	
	§	
v.	§	
	§	
PNC BANK, N.A., BBVA USA, AND	§	
TEXAS DOW EMPLOYEE CREDIT UNION,	§	
	§	
<i>Garnishees.</i>	§	Civil Action No. 4:23-MC-2301

GARNISHOR’S MOTION FOR ENTRY OF CLERK’S DEFAULT

Pursuant to Federal Rule of Civil Procedure 55(a) and Local Civil Rule 5.5, Garnishor Rocket Mortgage, LLC (“Rocket Mortgage”) files this Motion for Entry of Clerk’s Default against Garnishee BBVA USA.

1. On October 16, 2023, Rocket Mortgage obtained a Judgment against J. Patterson Mortgage Lending, LLC (“J. Patterson Mortgage”) in the United States District Court for the Eastern District of Michigan, Southern Division (the “Judgment”), in the principal sum of \$1,058,688.28, plus post-judgment interest in the amount of \$25,373.71 and taxable costs in the amount of \$402.00. On February 22, 2024, the United States District Court for the Eastern District of Michigan, Southern Division, amended the Judgment to award Rocket Mortgage additional taxable costs in the amount of \$198.00 (in addition to \$402.00 in taxable costs previously awarded by the Clerk) and attorneys’ fees in the amount of \$13,443.00.¹

¹ The Clerk of Court entered a certification of judgment to be registered in another district on December 29, 2023. *See* Doc. 1.

2. The Judgment, as amended, is in all things final, valid, and subsisting. J. Patterson Mortgage's portion of the Judgment, as amended—\$1,098,104.99 (principal plus post-interest, costs, and attorneys' fees)—is wholly unsatisfied and remains unpaid.

3. On March 27, 2024, Rocket Mortgage filed its Application for Post-Judgment Writs of Garnishment ("Application") to be served upon Garnishees BBVA, USA ("BBVA"); PNC Bank, N.A.; and Texas Dow Employee Credit Union (collectively "Garnishees") (Doc. 4).

4. On April 29, 2024, the Court granted Rocket Mortgage's Application and directed the Clerk of Court to issue the writs of garnishment. (Doc. 5). Upon written motion, the Court directed the United States Marshal's Office, on May 15, 2024, to serve the writs of garnishment upon the Garnishees. (Doc. 7).

5. The United States Marshal's Office subsequently served the writ of garnishment upon BBVA, through its registered agent, CT Corporation System, at 2 North Jackson Street, Suite 605, Montgomery, Alabama 36104, on May 29, 2024, at 2:20 p.m. *See* Ex. A (proof of service). Pursuant to the writ of garnishment, BBVA's deadline to file an answer or otherwise respond was June 19, 2024.

6. As of today's date, BBVA has failed to file an answer or otherwise respond to the writ of garnishment. Accordingly, Rocket Mortgage is entitled to the entry of Clerk's Default against BBVA. *See* Fed. R. Civ. P. 55(a).

7. Rocket Mortgage will serve a copy of this Motion concurrently with the filing of the same, upon BBVA's registered agent, CT Corporation System, via certified mail, return receipt requested, at 2 North Jackson Street, Suite 605, Montgomery, Alabama, 36104. *See* S. D. Tex. LR 5.5.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Michael Logan
Michael Logan
Texas Bar No. 12497500
S.D. Tex. Bar No. 17782
mlogan@krcl.com
Collin Delano
State Bar No. 24109801
S.D. Tex. Bar No. 3825483
cdelano@krcl.com

901 Main Street
Suite 5200
Dallas, Texas 75202
Telephone (214) 777-4254
Facsimile (214) 777-4299

**ATTORNEYS FOR GARNISHOR
ROCKET MORTGAGE, LLC**